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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,451	09/22/2003	Gregory Kent Williams	229278	2349

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER

HOEKSTRA, JEFFREY GERBEN

ART UNIT	PAPER NUMBER
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3736

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/668,451	Applicant(s) WILLIAMS ET AL.	
	Examiner Jeffrey G. Hoekstra	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice of Amendment

1. In response to the Appeal Brief filed on 04/20/2007, Applicant's arguments are persuasive, current final rejections of the claims 1-20 are *withdrawn*, and prosecution is reopened. The following new and reiterated grounds of rejection are set forth:

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-7, 9-17, and 19-20 rejected under 35 U.S.C. 102(b) as being anticipated by Valley et al. (US 5,795,325, hereinafter Valley) as broadly as structurally claimed.

4. For claims 1 and 12, Valley discloses a sensor catheter (as best seen in Figure 7A), comprising:

- an elongate flexible member comprising a catheter (300) having proximal and distal ends, wherein the proximal end of the catheter is adapted to be coupled to a processing unit (335);
- a distally disposed sensor assembly (330, 331, and 350) disposed at the distal end of the catheter; and
- a plurality of wires (334, 336, 352, 354, 339, and 341) extending from the proximal end of the catheter to the distal end of the catheter and coupled to the sensor assembly by an electrical connector (338, 340, 356, and 358),

- wherein the plurality of wires are divided into first (334 and 336), second (352 and 354), and third (339 and 341) wire bundles with each bundle consisting of a pair of wires (column 17 line 7 – column 19 line 26),
 - wherein each of the wires within each bundle is twisted together to reduce electromagnetic interference (column 19 lines 13-26), and
 - wherein the plurality of wires are capable of carrying control signals transmitted to the sensor assembly and sensor signals transmitted from the sensor assembly (column 17 line 7 – column 19 line 26).
5. For claims 2-4, 7, 9, 13-14, 17, and 19, Valley discloses a sensor catheter, wherein each bundle has multiple wires twisted together (column 19 lines 13-26), the bundles are capable of being twisted together, and the bundles are disposed within an outer sheath (302).
6. For claims 5-6, 10-11, 15-16, and 20, Valley discloses a sensor catheter, wherein the wires within each bundle are capable of being twisted in a clockwise or counterclockwise manner (column 19 lines 13-26) and wherein the wire bundles are capable of being twisted in the opposite or the same directions as the direction the wires are twisted within the bundle.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valley.

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9. For claims 8 and 18, Valley discloses the claimed sensor catheter but does not disclose expressly the third wire bundle consisting of three wires. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the sensor catheter as taught by Valley with the third wire bundle consisting of three wires, because Applicant has not disclosed that having third wire bundle consisting of three wires provides an advantage, is used for a particular purpose, or solve a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with third wire bundle consisting of two wires as taught by Valley, because it provides electrical communication between a sensor assembly and a processing unit and since it appears to be an arbitrary design consideration which fails to patentably distinguish over Valley. Therefore, it would have been an obvious matter of design choice to modify Valley to obtain the invention as specified in the claim(s).

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J.H./

Jeff Hoekstra

Examiner, Art Unit 3736


MAX F. HINDENBURG
COMPTROLLER PATENT EXAMINER
TECHNOLOGY CENTER 3700